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ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**[PROPOSED] ORDER GRANTING
ORACLE JUDGMENT AS A MATTER
OF LAW ON GOOGLE'S FAIR USE
DEFENSE**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

1 This Court has read and considered Plaintiff Oracle America, Inc.'s Rule 50(a) Motion for
2 Judgment As A Matter of Law, as well as any Opposition thereto, any and all additional
3 supporting papers, and the evidence Google presented in its case in chief.

4 Based thereon [and on statements made by counsel at the hearing on the Motion], IT IS
5 HEREBY ORDERED THAT Oracle's Motion is GRANTED.

6 Google has been fully heard on its fair use defense to copyright infringement of Oracle's
7 copyrighted works, Java 2 SE 1.4 and Java 2 SE 5.0, and the Court finds that a reasonable jury
8 would not have a legally sufficient evidentiary basis for find in Google's favor on fair use.
9 Judgment is hereby entered in Oracle's favor on Google's fair use defense.

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11 IT IS SO ORDERED.

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THE HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE
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